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C32 633 E. Provisions Concerning Municipal Government and the Municipality of Paoting

A municipal People's council consists of a mayor, a number of deputy-mayors, and from 9 to 25 members: In a municipality where the population is dense, the number of council members can be increased to 45.

The composition of the municipal people's congress is governed by Article 16 of the electoral law of the People's Republic of China:

> "A municipality with a population not exceeding 100,000 shall elect one deputy for every 500 to 1,000 persons; a municipality with a population exceeding 100,000 and up to 350,000 shall elect one deputy for every 1,000 to 2,000 persons; a municipality with a population exceeding 350,000 and up to 750,000 shall elect one deputy for every 2,000 to 3,000 persons; a municipality with a population exceeding 750,000 and up to 1,500,000 shall elect one deputy for every 3,000 to 5,000 persons; a municipality with a population exceeding 1,500,000 shall elect one deputy for every 5,000 to 7,000 persons.

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"The armed forces are entitled to elect from 2 to 10 deputies to the municipal People's congress."

632 The actual work of the municipality of Paoting in the province of Hopei can be cited as an example. The predecessor of the municipal People's congress was the representatives' conference. In Paoting the representatives' conference composed of 175 members held its first session May 9-16, 1950. On the first day, 21 members were elected to serve as a presidum. An opening speech was made by the deputy-governor, Li Hsi-chiu. Representatives from the armed forces, the working classes, and the commercial and industrial classes affirmed the opening remarks made by the deputy-governor. On May 9th, the acting mayor of Paoting reported on the activities of the municipal administration, with special references to economic reconstruction, finance, and revenue, culture, education and health, public security, social work, and municipal improvement.

On the third day of the session, the secretary of the Paoting branch of the Communist Party made a speech in which he pointed out municipal tasks involving the rehabilitation and development of industry, the exchange of goods between the villages and the cities,

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• 632 increased production, and administrative policies concerning revenue, banking, and co-operation between labor and management. The deputy-chief of the Municipal Bureau of Finance outlined the 1950 budget, estimating annual revenue of the municipality at 3,223,472 catties of millet (one catty valued at 925 yuan), or a total of 3,448,677,800 yuan (about US$ 119,904). Estimated expenditures amounted to 3,403,976 catties of millet, leaving a deficit of 180,504 catties.

On the fourth day of the session, delegates approved the proposed plan for the coming year, and it was accepted as the policy of the newly elected municipal government. On the fifth day, the committee studied 264 proposals: 34 proposals concerned problems of finance, 41 concerned culture, education, or health problems; 35 concerned law and politics, and 22 concerned the work of reconstruction.

On the seventh day, the deputies signed an appeal for world peace proposed by the World Peace Council. On the eighth day, the delegates elected the officials of the municipal government: K'ang Hsiu-min, second secretary of the Paoting branch of the Communist party and chief of the Bureau of Public Security, was elected mayor; the former

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632 acting mayor, Ting T'ing-hsing, and Chang Hsiao-chih, a teacher at the teachers' college, were elected deputy-mayors; and 19 delegates were elected members of the municipal People's council. Their names were sent by the provincial governor to the Central People's Government for approval.[10]

634 F. Provisions Concerning the County Government and the County of P'ing-shun

According to the Organic Law of the local People's congresses and the local People's councils, the county government is to consist of a county head, a county council, and a few county deputy-heads -- at most 31 members -- whose terms of office are two years. The county People's council functions as follows:

(1) On the basis of the laws, decrees, and resolutions of the People's congress of the corresponding level and the decisions and orders of higher administrative offices, to determine administrative measures, issue decisions and orders, and to check on how these decisions and orders are carried out; (2) to sponsor election of deputies to the

10. Hopei Daily, May 10, -20, 1950 p. 22.

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634 the assembled delegates.

A number of deputies voiced their approval of the constitutional draft, and after a debate on the activities of the local government, the election of two deputies to the provincial People's congress took place.

At another session following the promulgation of the Organic Law of the People's councils and the People's congresses, members of the county council were elected.

G. Provisions Concerning the Hsiang Government and the Yü-yen-shih hsiang

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The hsiang government is composed of the hsiang People's congress and the hsiang People's council. The number of deputies to the hsiang People's congress is determined as follows: a hsiang or town having a population not exceeding 2,000 may elect 15-20 deputies; if the population exceeds 2,000, it may elect 20-35 deputies. A hsiang with an exceptionally small population may elect less than 15, but not less than 7 deputies; a hsiang with an exceptionally large population may elect more than 35, but not more than 50, deputies. Deputies to the hsiang congress are elected directly by the electors. The hsiang congress exercises the same function as the provincial and county congress. The hsiang People's

632 council is composed of a head, deputy-heads, and 3-13 members of the council. The hsiang council exercises the same functions as the county council.

The administration of the hsiang council is divided among departments devoted to civil affairs, public security, the armed forces, production and co-operation, finance and taxation, education and culture, and mediation.

The application of the provisions concerning the hsiang government can be illustrated by a discussion of the activities in Yü-yen-shih hsiang. Thirgy-five deputies were elected from Yü-yen-shih hsiang; the population of the village, then, is not more than 2,000. Of the 35 deputies, only four did not belong to the cadres of the Communist Party; 26 were Party members and three were members of the New Democratic Youth Corps. Obviously, the power of the hsiang congress rests entirely in the hands of members of the Communist Party.

When the congress met, the hsiang head gave a report on the activities of the local government, and members of the congress submitted 30 proposals concerning the wholesale buying and selling of grain, the repair of ploughing tools, acts of discourtesy by

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632 members of the consumers' co-operatives, the digging of wells, and hsiang-financed supplies of cattle and fertilizer to peasants who were not in an immediate position to pay for them. The delegates also discussed government personnel in various departments, plans for the establishment of additional schools, and questions concerning the protection of the rights of the citizen.

In conclusion, members of the council and hsiang heads were elected. Liu Yen-ch'ih was re-elected as the hsiang head, and four deputy-heads and eleven members of the council were elected. All declared that they would devote themselves to the welfare of the people and the hsiang.[12]

In reporting the sessions, the People's Daily accused the Yü-yen-shih hsiang Congress of inefficiency. The paper noted that because a large number of Party cadres were members of the congress, it was a repetition of Party meetings; many members of the congress did not attend its sessions with any regularity; announcements of sessions were sometimes forgotten; and in most cases Party members

12. People's Daily, December 23, 1954.

1:Stanford U. S-4; 5 1956 AF12 North China
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632 monopolized the platform.[13] The publicity given this criticism indicates that the Communist Party is anxious to improve the efficiency of the hsiang congress and make it appear to be an organization of the people rather than of the Communist Party.

633 ## V. THE SPECIAL MUNICIPALITY OF PEKING

After Peking fell to the Red Army in December 1948, Yeh Chien-ying, chairman of the military control council, was appointed mayor of the city. In September 1949, he was transferred to the governorship of Kwangtung Province, and Nieh Yung-chen was appointed as successor to Yeh.

In September 1949, Nieh Yung-chen took office as mayor. On November 22, 1949, the members of the representatives' conference of 1950 were chosen and given elective power. Nieh Yung-chen then became the first elected mayor of the municipality of Peking. When Nieh resigned on February 23, 1951, P'eng Chen, chairman of the representatives' conference, was elected mayor and continues to hold the office.

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13. Ibid.

4: Burgess E-4, 5 (1926-1927) 1928 AF12 North China AF12

ever, the economic life of the market area is self-sufficient. The limited excess products of the villages in the district supply goods for the needs of the area.

In these market towns there are small "Chambers of Commerce" of modern origin (*Shang Hui*) that have to do with making the regulations for marketing goods on the given days and also with regulating the stores and shops that grow up in the market town itself. It was found that in the above-mentioned village of Yen Chiu certain government taxes, such as the wine and tobacco taxes, were collected by the Chamber of Commerce.

THE TOWN

The Chinese walled towns or cities are merely outgrowths of the market towns or enlarged trading centers, many of which have prestige because they have become the political center of the county or of a larger area and are the headquarters of the local prefect.[1]

The guilds of the type described in this paper are, so far as has been discovered, confined to the towns and cities. It must not be forgotten, however, that the apprentices in these guilds come largely from the country and bring with them the clan and village background above described. The walled towns, moreover, are still the centers for the markets for the surrounding rural areas, which are held on fixed days in each month.

The *China Year Book* for 1926 lists 36 cities with a population each of 1,000,000. There are some 1,500 cities in China with a total of about 75,000,000 inhabitants.[2] Most of the city population is engaged in industrial, commercial or political activities.

[1] *Cf.* Williams, *China, Yesterday and Today* (New York, 1923), and Tao and Leong, *Village and Town Life in China* (London, 1915).

[2] Williams, *op. cit.*, p. 123.

4: Burgess E-4, 5 (1926-1927) 1928 AF12 North China AF12

These are the principal functions of the Mayor of the Chinese municipium, and under the paternal government of this Father and Mother of the People" the ruled might be expected to be a body of abject slaves. This is far from being the case. In most countries the people may be divided into the law-abiding 634 and the lawless; in China a third division must be noted—those 626 who, though innocent of offense, come within the meshes of the law through the machinations of enemies. This, however, only serves to redress the balance, since the Chinese are essentially a law-abiding people, and, in the country at least, are guilty of few crimes below their common recreations of rebellion and brigandage. These they indulge in periodically when the harvest is in, if for any reason, such as flood or drought, the crops have been deficient; but, apart from this and apart from the regular visits of the tax-collector, it is doubtful if the actual existence of a government is brought tangibly to the notice of a tenth, certainly not to a fifth, of the population. The remaining eighty or more per cent live their daily life under their customs, the common law of the land, interpreted and executed by themselves. Each village is the unit for this common-law government, the fathers of the village exercising the authority vested in age, but acting under no official warrant, and interpreting the customs of their fathers as they learned them in their youth.[1]

The town where the official lives was, according to Morse, treated very much like a village. 632

The town is considered a collection of villages, being divided into *chia*, "wards," each with its *Tipao*, whose duties are the same as those of his country colleague.[2] 651

The function of the official as a tax collector was the one that affected the life of the people in town or country the most directly. There were two principal types of taxes: the land tax and the tribute or tax on the products of the

[1] Morse, *op. cit.*, p. 59.

[2] *Ibid.*, pp. 60-61.